

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

APOLLO MEDICAL, INC.,)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. 4:09CV1380 JCH
)	(MLM)
KATHLEEN SEBELIUS,)	
Secretary of the United States Department)	
of Health and Human Services,)	
)	
Defendant(s).)	

ORDER

This matter arises on the Report and Recommendation of United States Magistrate Judge Mary Ann L. Medler, filed April 23, 2010. See 28 U.S.C. §636. In her report, Magistrate Judge Medler recommends that the Court affirm the final decision of the Secretary, deny Plaintiff's Motion for Summary Judgment, and grant Defendant's Motion for Summary Judgment. Plaintiff filed objections to the Report and Recommendation on May 20, 2010. (Doc. No. 43).

After review of the entire record in this matter, the Court concurs in the Magistrate Judge's findings, and will adopt the Report and Recommendation. Accordingly, the Court will affirm the final decision of the Secretary, deny Plaintiff's Motion for Summary Judgment, grant Defendant's Motion for Summary Judgment, and dismiss this case with prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Doc. No. 40) is adopted and incorporated herein.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 30) is **DENIED**.

IT IS FURTHER ORDERED that Defendant Secretary's Motion for Summary Judgment to Affirm Final Administrative Decision (Doc. No. 24) is **GRANTED**, and Plaintiff's Complaint is **DISMISSED** with prejudice. A separate Judgment shall accompany this Order.

Dated this 27th day of May, 2010.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE